

LOST

Senators Jordan of the 6th, Butler of the 55th, Merritt of the 9th, and Au of the 48th offered the following amendment #1 to HB 112:

Amend HB 112 by striking line 13 and inserting the following that revises Code Section 34-9-280:

- 1 “34-9-280. As used in this article, the term:
- 2 (1) ‘COVID-19’ means severe acute respiratory syndrome coronavirus 2
- 3 (SARS-CoV-2), and any mutation or viral fragments thereof, or and
- 4 disease or condition caused by severe acute respiratory syndrome
- 5 coronavirus 2 (SARS-CoV-2), which were the subject of the public
- 6 health state of emergency declared by the Governor on March 14, 2020.
- 7 ~~(1)~~(2) ‘Disablement’ means the event of an employee becoming actually
- 8 disabled to work, as provided in Code Sections 34-9-261, 34-9-262, and
- 9 34-9-263, because of occupational disease.
- 10 (3) ‘Essential worker’ means an employee who cannot perform
- 11 his or her work remotely.
- 12 ~~(2)~~(4) ‘Occupational disease’ means those diseases which arise out of and
- 13 in the course of the particular trade, occupation, process, or employment
- 14 in which the employee is exposed to such disease, provided the employee
- 15 or the employee’s dependents first prove to the satisfaction of the State
- 16 Board of Workers’ Compensation all of the following:
- 17 (A) A direct causal connection between the conditions under which the
- 18 work is performed and the disease;
- 19 (B) That the disease followed as a natural incident of exposure by reason
- 20 of the employment;
- 21 (C) That the disease is not of a character to which the employee may
- 22 have had substantial exposure outside of the employment;
- 23 (D) That the disease is not an ordinary disease of life to which the general
- 24 public is exposed; notwithstanding Code Section 51-16-5, for claims
- 25 relating to incidents of exposure occurring on or after March 14, 2020,
- 26 but prior to July 1, 2022, COVID-19 shall not be considered an ordinary
- 27 disease of life for an essential worker nor a disease to the essential
- 28 worker may have had substantial exposure outside of employment, if
- 29 contracted within 14 calendar days of performing work for the employer;
- 30 and
- 31 (E) That the disease must appear to have had its origin in a risk connected
- 32 with the employment and to have flowed from that source as a natural

33 consequence. For the purposes of this paragraph, partial loss of hearing
34 due to noise shall not be considered an occupational disease. Psychiatric
35 and psychological problems and heart and vascular diseases shall not be
36 considered occupational diseases, except where they arise from a separate
37 occupational disease.”

38 **SECTION 2.**

39 This Act shall become effective upon its approval by the Governor or
40 upon its becoming law without such approval.

41 **SECTION 3.**

42 All laws and parts of laws in conflict with this Act are repealed.